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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,479	10/20/2003	Carl F.G. Baxter	RTI-6	7884

7590 08/17/2005

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EXAMINER

THOMPSON, KENNETH L

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,479

Applicant(s)

BAXTER ET AL.

Examiner

Kenneth Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 8, 9 and 11-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 28 Jan 04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

The drawings are objected to because the broken lines indicating a sectional view 5 in figure 3 should be deleted. The embodiment in figure 5 does not show a planar cross section of figure 3.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "100" and "78" in figure 3 have both been used to designate an outwardly directed projection.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "84" and "80" in figures 3 and 5 have both been used to designate an inwardly directed projection.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "82" has been used to designate both an outwardly directed projection and axially extending end portions of the collars of the centralizer.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Krueger et al., U.S. 5,803,193.

Regarding claims 1, 2 and 7, Krueger et al. discloses a metallic pipe (12), an insulating coating (60), centralizers (18), a cylindrical clamp (22, 24) and fasteners (col. 8, lines 22-24) axially fixing the clamp to the metallic pipe (col. 8, lines 2-7) and tightening the clamp against the coating (col. 11, lines 49-54); and interlocking members (retaining means; col. 8, lines 2-5) inherently capable of preventing axial movement of the centralizer with respect to the pipe..

As to claim 3, Krueger et al. discloses the inner surface of the centralizer (18) permit axial slippage (col. 3, lines 5-10) between itself and the coating (60).

As to claim 4, Krueger et al. discloses the interlocking members (retaining means; col. 8, lines 2-5) prevent axial movement of the centralizer with respect to the metallic pipe but permit at rotation of the one or more centralizers with respect to the metallic pipe (col. 8, lines 27-37).

As to claim 5 and 6, Krueger et al. discloses the insulative coating (60) being an elastomeric material, more compressible than the metallic pipe.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al., U.S. 5,803,193.

As to claim 10, Krueger et al. discloses all the limitations except for the clamp (24,22) having an axial length as great as the centralizer. However it would have been obvious to one having ordinary skill in the art at the time of the invention to arrange for the clamp to have a length comparable to the centralizer since a change in the shape of

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a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

As to claim 15, Krueger et al. discloses all the limitations except for the pipe (12) comprising titanium. However it would have been obvious to one having ordinary skill in the art at the time of the invention to arrange for the pipe to comprise titanium since the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

As to claim 16, Krueger et al. discloses the centralizer being steel material (col. 11, lines 59-62).

As to claim 17, Krueger et al. discloses all the limitations except for the clamp (22,24), interlocking members (retaining means; col. 8, lines 2-5) and centralizer (18) comprising substantially identical steel material. However it would have been obvious to one having ordinary skill in the art at the time of the invention to arrange for the clamp, interlocking members and centralizer to comprise a substantially identical steel material since the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

Allowable Subject Matter

Claims 8, 9 and 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest all the claimed limitations including a one piece monolithic centralizer.

The prior art of record does not disclose or suggest all the claimed limitations including the interlocking members comprising a radially projecting member integral with the clamp or centralizers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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15 August 2005



Kenneth Thompson
Primary Examiner
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